

REMARKS

Claims 1-7 and 11-14 are pending in the application. Claims 1-7 and 11-14 stand rejected in the referenced office action.

Independent claim 1 has been amended to specify that the swimsuit may be worn around the waist in a discrete manner. See paragraph [0008] of the application.

Independent claim 5 has been amended to specify that during the process of removing the swimsuit, the loop stays positioned around the waist.

Independent claim 11 has been amended to specifically preclude the use of additional fasteners.

No new matter has been added by the amendments. Reconsideration of application is respectfully requested. The Examiner's objections and rejections are addressed below in substantially the same order as in the referenced office action.

REJECTIONS UNDER 35 USC § 102

Claims 11-12 are rejected under 35 USC § 102(b) as being anticipated by *Holland* (US 5,991,920).

The Examiner is asserting that all the elements of independent claim 11 are disclosed in *Holland*. Claim 11 has been amended to preclude the use of more than one fastener configured to couple the rear end to the loop: this overrides the “comprising” in the preamble with respect to that specific element of the claim.

What is clearly disclosed in *Holland* are a **pair** of fasteners, each labeled as 7. Applicant further notes that the fasteners 7 are clearly identified in *Holland* as being used for coupling the **front** end of the body to the **loop**. Claim 11 specifies the use of a single fastener the couple the **rear** end of the body to the loop.

The Examiner is alleging that “front” and “back” are relative to how you are looking at the suit. Such a statement is totally baseless—front and back are absolute terms, not relative terms, defined with respect to the wearer of the swimsuit. The examiner is conjuring up a swimsuit which does not perform the intended function by suggesting that a thong swimsuit could be worn with the narrow end at the front.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every element of the claim arranged as in the claim. This is clearly lacking in the present case as at least two of the claimed elements of claim 11 are not disclosed in *Holland*. Accordingly, applicant respectfully submits that claim 11, and claim 12 that depend upon claim 11 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a single fastening device that couples the rear part of a swimsuit body to a loop. Accordingly, applicant further submits that claim 11 and claim 12 that depend upon claim 11 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Hall* (US5,664,257).

Claim 1 specifies that the swimsuit may be configured to be worn around the waist in a discrete manner. Applicant notes that the halter top of *Hall* is not, contrary to the Examiner's assertion, a swimsuit, let alone a swimsuit configured to be worn around the waist in a discrete manner. Again, the Examiner's hypothetical swimsuit in this instance is a swimsuit bottom shaped like a halter top. Such a swimsuit would not perform its intended function of protecting the modesty of the wearer outside the water. Applicant further notes that the Examiner is relying on a teaching of the loop encircling a human wrist, not a human waist, in a discrete manner or otherwise.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every element of the claim arranged as in the claim. This is clearly lacking in the present case. Accordingly, applicant respectfully submits that claim 1 and claim 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Hall*.

Additionally, claim 5 and claims 6 and 7 that depend upon claim 5 are also patentable under 35 USC § 102 over *Hall* for the same reasons that claim 1 is patentable under 35 USC § 102 over *Hall*.

REJECTION UNDER 35 U.S.C. § 103

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Holland*. As noted above in the discussion of the rejections under 35 U.S.C. § 102, the base claim (11) upon which claims 13 and 14 depend is patentable under 35 U.S.C. § 103 over *Holland*. Accordingly, applicant further submits that claims 13 and 14 are also patentable under 35 U.S.C. § 103 over *Holland* and the prior art of record.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) over *Hall*. Applicant notes that there is no teaching or suggestion in *Hall* of the elements of claim 1 discussed above with regard to the rejection under 35 U.S.C. § 102. Accordingly, applicant further submits that claims 3 and 4 are also patentable under 35 U.S.C. §103 over *Hall* and the prior art of record.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. A request for a one-month extension of time to respond to the office action accompanies this document. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **13-0010 (HOL-1002CP)**.

Respectfully submitted,

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/K. P. Sriram/
Kaushik P. Sriram
Registration No. 43,150
Madan, Mossman & Sriram, P.C.
2603 Augusta, Suite 700
Houston, Texas 77057
Attorneys for the Applicant
Telephone: (713) 266-1130
Facsimile: (713) 266-8510